

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
P O Box 50013  
San Jose, CA 95150-0013

Telephone: (408) 354-4413  
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## Trustee for Debtor(s)

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5**

In re:  
DAVID RUSSELL FOLEY  
Debtor(s) ) Chapter 13  
              ) Case No. 18-52539 MEH  
              )  
              ) TRUSTEE'S OBJECTION TO  
              ) CONFIRMATION WITH CERTIFICATE OF  
              ) SERVICE  
              )  
              ) 341 Meeting Date: DECEMBER 31, 2018 @  
              ) 10:30 AM  
              )  
              ) Initial Confirmation Hearing Date: JANUARY  
              ) 18, 2019  
              )  
              ) Initial Confirmation Hearing Time: 11:00 AM  
              )  
              ) Place: 280 S 1<sup>st</sup> Street #3020  
              ) San Jose, CA 95113  
              )  
              ) Judge: M. Elaine Hammond

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

1. There is a violation of 11 U.S.C. §109(e) as secured debts exceed the permitted debt limit of \$1,184,200.00. It appears Debtor does not qualify for Chapter 13.
  2. In order to assist the Trustee in determining whether the disposable income test in 11 U.S.C. §1325(b)(1)(B) and/or the feasibility test in 11 U.S.C. §1325(a)(6) is met, the Trustee requests that the Debtor provide her with a copy of each federal and state income tax return and W-2 form required under applicable law with respect to each tax year of

1                   the Debtor's ending while the case is pending confirmation. The tax return shall be  
2                   provided to her at the same time it is filed with the taxing authority.  
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Dated: December 26, 2018

/S/ Devin Derham-Burk

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Chapter 13 Trustee

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## **CERTIFICATE OF SERVICE BY MAIL**

I declare that I am over the age of 18 years, not a party to the within cause; my business address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on December 26, 2018.

Said envelopes were addressed as follows:

DAVID RUSSELL FOLEY  
311 SANTA ROSA DR  
LOS GATOS, CA 95032

FARSAD LAW OFFICES PC  
2905 STENDER WY #76  
SANTA CLARA, CA 95054

/S/ Erin Chew  
Office of Devin Derham-Burk, Trustee